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10/562,337	05/25/2006	Noriaki Horii	YAMAP1000US	3486

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EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2431

MAIL DATE	DELIVERY MODE
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04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,337	Applicant(s) HORII ET AL.	
	Examiner SHIN-HON CHEN	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 40-46 have been examined.

Allowable Subject Matter

2. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcomes existing 35 U.S.C. 112 rejections.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohbi et al. U.S. Pub. No. 20040047602 (hereinafter Ohbi).

5. As per claim 40, Ohbi discloses an information recording medium comprising:
a first recording area for recording first audio information and first management information for managing the first audio information (Ohbi: [0017]: lines 5-6: the second management area manages the audio track/first audio information); and

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a second recording area for recording second audio information and second management information for managing the second audio information (Ohbi: [0017] lines 2-4: the first management area manages the high density data track/second audio information), wherein:

the first management information specifies the first audio information using a group number and a track number (Ohbi: [0193]: the data track/first audio information identification),

the second management information specifies the second audio information using an identification number (Ohbi: [0194]: the identification of audio track/second audio information),

the second management information includes link information which indicates that the first audio information and the second audio information are related to each other (Ohbi: [0182]: link information), and

the link information relates the group number and the track number specifying the first audio information to the identification number specifying the second audio number (Ohbi: figure 20A and 20B and [0404]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 42, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohbi.

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8. As per claim 42, 45 and 46, Ohbi discloses a reproduction apparatus for reproducing at least one of first audio information and second audio information related to the first audio information which are recorded on an information recording medium (Ohbi: [0017]: storing two audio information with respective management areas), wherein the information recording medium includes:

a first recording area for recording first audio information and first management information for managing the first audio information (Ohbi: [0017]: lines 5-6: the second management area manages the audio track/first audio information); and

a second recording area for recording second audio information and second management information for managing the second audio information (Ohbi: [0017] lines 2-4: the first management area manages the high density data track/second audio information), wherein:

the first management information specifies the first audio information using a group number and a track number (Ohbi: [0193]: the data track/first audio information identification),

the second management information specifies the second audio information using an identification number (Ohbi: [0194]: the identification of audio track/second audio information),

the second management information includes link information which indicates that the first audio information and the second audio information are related to each other (Ohbi: [0182]: link information), and

the link information relates the group number and the track number specifying the first audio information to the identification number specifying the second audio number (Ohbi: figure 20A and 20B and [0404]).

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the reproduction apparatus comprising: a reading section operable to read at least one of the first audio information, the second audio information, the first management information and the second management information from the information recording medium (Ohbi: [0019]);

(a) reproducing the first audio information using first decryption information for decrypting the first management information (Ohbi: [0022]: the first modulating means);

(b) reproducing the second audio information using second decryption information for decrypting the second management information (Ohbi: the second modulating means); and

(c) performing a copy process in response to an instruction to copy the first audio information (Ohbi: [0034]), wherein:

the step (a) includes the steps of: reading the first management information from the information recording medium; decrypting the first management information based on the first decryption information; reading the first audio information from the information recording medium, based on the decryption result of the first management information; and outputting the first audio information (Ohbi: [0022]: the first management area; [0050]: well known management method for protecting data).

the step (b) includes the steps of: reading the second management information from the information recording medium; decrypting the second management information based on the second decryption information; reading the second audio information from the information recording medium, based on the decryption result of the second management information; and outputting the second audio information (Ohbi: [0022]: the second management area; [0050]),

the step (c) includes the steps of: reading the link information from the information recording medium; decrypting the link information so as to specify the second audio information

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related to the first audio information; reading the specified second audio information from the information recording medium; and outputting the specified second audio information (Ohbi: [0034]; reading the management information to determine location of data).

9. Claims 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohbi in view of Sako U.S. Pub. No. 20020172117 (hereinafter Sako).

10. As per claim 41 and 44, Ohbi discloses the recording medium and apparatus of claims 40 and 42 respectively. Ohbi discloses having two kinds of the data format in which one is high-density data (Ohbi: [0087]). Ohbi does not explicitly disclose the second audio information is a compressed form of the first audio information. However, Sako discloses storing two kinds of audio data having same content on a recording medium in which one kind is a high-density kind of audio information (Sako: [0022]: same content with different density). It would have been obvious to one having ordinary skill in the art to store two kinds of data audio having same content with one being in compressed form because they are analogous art for storing different data format files onto a single recording medium. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Sako within the system of Ohbi because it allows a user to handle two types of audio data in an easy and convenient manner (Sako: [0014] lines 4-6).

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Response to Arguments

11. Regarding applicant's remarks, applicant mainly argues that the prior art of record does not explicitly disclose linking information that relates the first audio information and second audio information. However, the examiner disagrees. Ohbi discloses the linking information to link data tracks and audio tracks (Ohbi: [0404]). Furthermore, the claims do not specifically disclose how "related" are the first and second audio information and the examiner rejects the claims based on the broadest reasonable interpretation. Therefore, applicant's argument is traversed in light of above explanation and applicant is advised to re-consider allowable subject matter to expedite prosecution.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789.

The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2431

Shin-Hon Chen
Examiner
Art Unit 2431

SC